

## **SECTION ONE**

**ELIGIBILITY OF CANDIDATES**  
**(HBMC Chapter 2.40)**

**CITY COUNCIL POWERS AND DUTIES**  
**(City Charter Sections 301-308)**

**EXPENSE ALLOWANCE**  
**(HBMC Chapter 2.28)**

**COUNCIL MEMBER BENEFITS**  
**(Chapter 2 - City Council Member**  
**Information Handbook)**

**CITY ATTORNEY POWERS AND DUTIES**  
**(City Charter Section 309)**

**CITY OF HUNTINGTON BEACH**  
**CODE OF ETHICS**

**Chapter 2.04**

**ELIGIBILITY OF CANDIDATES**

(1756-7/72, 2023-1/75, 2943-7/88, 2507-11/81)

**Sections:**

- 2.04.010 Repealed, Ordinance No. 2507-11/81
- 2.04.030 Residence and registered voter requirement for elective officers
- 2.04.050 Repealed, Ordinance No. 2507-11/81
- 2.04.090 Repealed, Ordinance No.. 2507-11/81

**2.04.030 Residence and registered voter requirements for elective officers.** No person is eligible to hold any elective office in the City of Huntington Beach unless that person was a resident and a registered voter of the City both at the time of assuming such office and at the time of issuance of nomination papers.

No person shall be appointed to fill a vacancy in an elective office in the City unless that person is at the time of assuming such office a resident and a registered voter of the City.

Any elective officer of the city, whether elected or appointed, shall at all times during his term of office be a resident and a registered voter of the City, and if during his term of office he moves his place of residence outside of the city limits or ceases to be a registered voter of the city, his office shall immediately become vacant. (1756-7/72, 2023-1/75, 2943-7/88)

## CITY COUNCIL POWERS AND DUTIES

### Section 301. POWERS VESTED IN CITY COUNCIL.

All powers of the City shall be vested in the City Council except as otherwise provided in this Charter.

### Section 302. COMPENSATION.

The members of the City Council including the Mayor shall receive as compensation for their services as such a monthly salary in the sum of One Hundred Seventy-five Dollars per month. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of itemized expense accounts therefor. In addition, members shall receive such reasonable and adequate amounts as may be established by ordinance, which amounts shall be deemed to be reimbursement to them of other routine and ordinary expenses, losses and costs imposed upon them by virtue of their serving as City Councilmen.

### Section 303. MEETINGS AND LOCATION.

(a) Regular Meetings. The City Council shall hold regular meetings at least twice each month at such time as it shall fix by ordinance or resolution and may adjourn or re-adjourn any regular meeting to a date and hour certain which shall be specified in the order of adjournment and when so adjourned each adjourned meeting shall be a regular meeting for all purposes. If the hour to which a meeting is adjourned is not stated in the order of adjournment, such meeting shall be held at the hour for holding regular meetings. If at any time any regular meeting falls on a holiday such regular meeting shall be held on the next business day.

(b) Special Meetings. A special meeting may be called at any time by the Mayor, or by a majority of the members of the City Council, by written notice to each member of the City Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered personally or by mail at least twenty-four hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meeting. If any person entitled to such written notice files a written waiver of notice with the City Clerk, it may be dispensed with. Such waiver may be given by telegram. This notice requirement shall be considered fulfilled as to any person who is actually present at the meeting at the time it convenes. In the event of an emergency affecting the public peace, health or safety, a special meeting may be called as provided in this section with less than twenty-four hours written notice by the Mayor Pro Tem in the Mayor's absence or by any member of the City Council in the absence of both the Mayor and Mayor Pro Tem provided that the nature of the emergency is set forth in the minutes of the meeting.

(c) Place of Meetings. All regular meetings shall be held in the Council Chambers of the City or in such place within the City to which any such meeting may be adjourned. If, by reason of fire, flood or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place within the City as is designated by the Mayor, or, if he should fail to act, by a majority of the members of the City Council.

(d) Open Meetings. All regular and special meetings of the City Council shall be open and public, and all persons shall be permitted to attend such meetings, except that the provisions of this section shall not apply to executive sessions. Subject to the rules governing the conduct of City Council meetings, no person shall be denied the right to be heard by the City Council.

#### Section 304. QUORUMS, PROCEEDINGS AND RULES OF ORDER.

(a) Quorum. A majority of the members of the City Council shall constitute a quorum to do business but a lesser number may adjourn from time to time. In the absence of all the members of the City Council from any regular meeting or adjourned regular meeting, the City Clerk may declare the same adjourned to a stated day and hour. The City Clerk shall cause written notice of a meeting adjourned by less than a quorum or by the City Clerk to be delivered personally or by mail to each Council member at least twenty-four hours before the time to which the meeting is adjourned, or such notice may be dispensed with in the same manner as specified in this Charter for dispensing with notice of special meetings of the City Council.

(b) Proceedings. The City Council shall judge the qualification of its members as set forth by the Charter. It shall judge all election returns. Each member of the City Council shall have the power to administer oaths and affirmations in any investigation or proceeding pending before the City Council. The City Council shall have the power and authority to compel the attendance of witnesses, to examine them under oath and to compel the production of evidence before it. Subpoenas shall be issued in the name of the City and be attested by the City Clerk. They shall be served and complied with in the same manner as subpoenas in civil actions. Disobedience of such subpoenas, or the refusal to testify (upon other than constitutional grounds), shall constitute a misdemeanor, and shall be punishable in the same manner as violations of this Charter are punishable. The City Council shall have control of all legal business and proceedings and all property of the legal department, and may employ other attorneys to take charge of or may contract for any prosecution, litigation or other legal matter or business.

(c) Rules of Order. The City Council shall establish rules for the conduct of its proceedings and evict or prosecute any member or other person for disorderly conduct at any of its meetings. Upon adoption of any ordinance, resolution, or order for payment of money, or upon the demand of any member, the City Clerk shall call the roll and shall cause the ayes and noes taken on the question to be entered in the minutes of the meeting.

#### Section 305. PRESIDING OFFICER.

At the Council meeting at which any Council member is installed following any general or special municipal election, and at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have

the title of Mayor. The Mayor may make and second motions and shall have a voice and vote in all its proceedings. The Mayor shall be the official head of the City for all ceremonial purposes; shall have the primary but not the exclusive responsibility for interpreting the policies, programs and needs of the City government to the people, and as occasion requires, may inform the people of any major change in policy or program; and shall perform such other duties consistent with the office as may be prescribed by this Charter or as may be imposed by the City Council. The Mayor shall serve in such capacity at the pleasure of the City Council.

#### Section 306. MAYOR PRO TEMPORE.

The City Council shall also designate one of its members as Mayor Pro Tempore, who shall serve in such capacity at the pleasure of the City Council. The Mayor Pro Tempore shall perform the duties of the Mayor during the Mayor's absence or disability or at the Mayor's request.

#### Section 307. NON-INTERFERENCE WITH ADMINISTRATION.

Except as otherwise provided in this Charter, no member of the City Council shall order, directly or indirectly, the appointment by the City Administrator, or by any of the department heads in administrative service of the City, of any person to any office or employment, or removal therefrom. Except for the purpose of investigation and inquiry, the members of the City Council shall deal with the administrative service under the jurisdiction of the City Administrator solely through the City Administrator, and no member of the City Council shall give orders to any subordinate of the City Administrator, either publicly or privately.

#### Section 308. OFFICIAL BONDS.

The City Council shall fix by ordinance or resolution the amounts and terms of the official bonds of all officials or employees who are required by this Charter or by ordinance to give such bonds. All bonds shall be executed by responsible corporate surety, shall be approved as to form by the City Attorney, and shall be filed with the City Clerk. Premiums on official bonds shall be paid by the City. A blanket bond may be used if it provides the same protection as the required separate bond would provide.

In all cases wherein an employee of the City is required to furnish a faithful performance bond, there shall be no personal liability upon, or any right to recover against, the employee's superior officer or other officer or employee or the bond of the latter, unless such superior officer, or other officer or employee is a party to the act or omission, or has conspired in the wrongful act directly or indirectly causing the loss.

**Chapter 2.28****CITY COUNCIL**

(1346-9/67, 2079-8/76, 2566-8/82, 2997-5/89)

**Sections:**

- 2.28.010 Expense allowance
- 2.28.020 Fringe benefits

**2.28.010 Expense allowance.** It is deemed reasonable and adequate that in reimbursement of the ordinary and routine expenses, losses and costs imposed upon them by virtue of their serving the city in their official capacity, each Council Member shall receive monthly, during his term of office the sum of \$698 per month, and the mayor shall receive the sum of \$936 per month, such sums to be adjusted annually by the consumer price index for all urban consumers, all items, 1982-84 equals 100, published by the United States Department of Labor, Bureau of Labor Statistics, for the Los Angeles/Anaheim/ Riverside Metropolitan Area. Further, such expense allowance need not be accounted for by the recipient.

In addition thereto, each member of the City Council, including the mayor, shall be reimbursed pursuant to the city's business expense policy for council authorized travel and other expenses when on official duty upon submission of itemized expense account therefor. This section is intended to meet the requirements of section 302 of the city Charter. Appropriations for the allowance and other expenses provided for herein shall be included in the annual budget approved by the City Council. (1346-9/67, 2079-8/76, 2566-8/82, 2997-5/89)

**2.28.020 Fringe benefits.** Each member of the City Council shall receive all fringe benefits which are granted, and in the future shall be granted, to the department heads of the city of Huntington Beach, and the cost of such fringe benefits shall be included in the annual budget. (2079-8/76)

As of 7-09-2010, Monthly Expense Allowances -  
\$1,709.54 (Mayor); \$1,219.01 (Councilmembers)

## CHAPTER 2 - Council Member Benefits

The benefit package for City Council Members is similar to that offered to the City's department heads. A summary of benefits is provided below:

- Choice of three medical plans (Blue Shield HMO/PPO or Kaiser HMO),
- Choice of two dental plans (Delta Dental PPO or DeltaCare Dental PMI)
- Vision Coverage through VSP (Vision Service Plan),
- Group Life Insurance,
- Option Group Life Insurance (Paid by individual),
- Accidental Death and Dismemberment Insurance,
- Optional Accidental Death & Dismemberment Insurance (Paid by individual),
- Long Term Disability Insurance.
- PERS Retirement (based on salary amount only)
- Employee Assistance Program

All city employees and City Council Members will share in the cost of 2008 medical, dental, and vision increases. The cost sharing pre-tax amount per pay period is shown below:

Plan	Tier	Total Premium	Employer's Monthly Contribution	Employee's Monthly Contribution	Employee's Bi-Weekly Contribution
Kaiser	Single	346.88	301.43	45.45	20.98
	Two-Party	759.68	611.06	148.62	68.59
	Family	999.01	792.20	206.81	95.45
Blue Shield HMO	Single	452.00	301.43	150.57	69.49
	Two-Party	986.00	611.06	374.94	173.05
	Family	1,276.00	792.20	483.80	223.29
Blue Shield PPO	Single	571.21	411.15	160.06	73.87
	Two-Party	1,207.59	772.48	435.11	200.82
	Family	1,496.62	936.47	560.15	258.53
Delta Dental PPO	Single	61.53	45.02	16.51	7.62
	Two-Party	114.90	85.91	28.99	13.38
	Family	151.44	122.18	29.26	13.50
VSP	Single	25.77	24.15	1.62	0.75
	Two-Party	43.81	41.07	2.74	1.26
	Family	67.00	62.80	4.20	1.94
Delta Care HMO	Single	23.50	18.46	5.04	2.33
	Two-Party	23.50	18.46	5.04	2.33
	Family	23.50	18.46	5.04	2.33
Medical Opt-Out: \$316.33 per month (or \$146.00 bi-wkly)					

City Council Members are also entitled to membership in the City Credit Union, the city's medical and dependent/elderly care pre tax programs (Section 125 Plan), as well as the city's deferred compensation program. Practically speaking, however, the financial tax advantages that can be realized through these last two programs are likely of less significance to City Council Members since the deductions only apply to salaries and not expenses. Should a City Council Member be interested in these programs,

however, the Human Resources Department is available to provide more detail, as well as the requisite forms.

City Council Members also receive compensation and an expense allowance in amounts approved by City Council. A summary of the compensation and expense allowance provisions follows:

### **Compensation**

Section 302 of the City Charter sets the monthly compensation of City Council Members for their service as quoted here:

*"The members of the City Council, including the Mayor, shall receive as compensation for their services as such, a monthly salary in the sum of one-hundred seventy-five dollars per month. In addition, each member of the City Council shall receive reimbursement on order of the City Council for Council authorized traveling and other expenses when on official duty upon submission of itemized expense account therefore. In addition, members shall receive such reasonable reimbursement to them of other routine and ordinary expenses, losses and costs imposed upon them by virtue of their serving as City Council Members."*

### **Expense Allowance**

The Mayor and City Council Members also receive an expense allowance to cover routine and ordinary expenses associated with their service. The amount provided for the Mayor is somewhat higher due to the number of additional activities in which the Mayor traditionally participates. This amount was established by ordinance under Municipal Code Section 2.28 approved in May of 1989. This code established a baseline amount to cover the day to day expenses associated with serving as a City Council member. It also included a provision for an annual adjustment based on the Consumer Price Index (CPI).

The text of the May 1989 ordinance is quoted below; however, the actual amounts have increased because of CPI adjustments over the years.

*"It is deemed reasonable and adequate that in reimbursement of the ordinary routine expenses, losses and costs imposed upon them by virtue of their serving the city in their official capacity, each Council Member shall receive monthly, during his or her term of office, the sum of \$698 per month, and the mayor shall receive the sum of \$936 per month, such sums to be adjusted annually by the consumer price index for all urban consumers, all items, 1982-84 equals 100, published by the United States Department of Labor, Bureau of Labor Statistics, for the Los Angeles/Anaheim/Riverside. Metropolitan Area. Further, such expense allowance need not be accounted for by the recipient."*

*In addition thereto, each member of the City Council, including the mayor, shall be reimbursed pursuant to the city's business expense policy for*

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*council authorized travel and other expenses when on official duty upon submission of [an] itemized expense account therefor. This section is intended to meet the requirements of section 302 of the City Charter. Appropriations for the allowance and other expenses provided for herein shall be included in the annual budget approved by the City Council."*

In Fiscal Year 08/09 (beginning 10/1/08) each Council Member received \$1,354.45 a month and the Mayor will be receiving \$1899.49 a month. With approval of the FY 2009/2010 budget the City Council cut their monthly expense allowance by 10%. At the present time, each Council Member receives approximately \$1219 a month or \$562.62 bi-weekly. The Mayor receives approximately \$1709.54 a month or \$789.02 bi-weekly.

### **Additional Expenses**

In addition to the Council Expense Allowance provided above, funds are budgeted each year in the City Council Budget to cover the cost of city related conferences, training, and travel. The total amount budgeted for the seven Council Members in FY 2008/09 is \$26,262. In April of 2005 an informal policy was set in place for allocation of these funds. The policy was achieved through discussions between the then Mayor and Mayor Pro Tem and City Administrator.

A formal Expense Policy was adopted by the City Council in December of 2006 under Resolution 2006-79. Under this policy Council Members can be reimbursed for expense by submitting an itemized expense report. In lieu of an itemized expense report a Council Member may take an advance of a per diem of \$45 for each full day of out-of-town travel to a conference or training or \$50 for each full day of out-of-town travel when on official business authorized by the City Council. This amount may fluctuate slightly based on certain higher cost cities. If you anticipated the expenses will exceed this set per diem, it may be best not to take a per diem, and instead submit an expense report with receipts to the Council Secretary for reimbursement after the travel.

### **City PDAs**

For City Council members who would like them, the City provides Blackberry PDA's. The Blackberry devices allow a council member to receive email and check appointments on a real time basis. The device can also be used as a phone. **AR 309** establishes the city's policy relating to telephone and cellular usage and reimbursement procedures. "Such devices are provided for official City business. Because restricting City phone use to official business is not always practical, this policy provides for limited personal use and reimbursement procedures. AR 309 is attached as **Attachment 3**.

### **Further Information**

New Council Members should schedule time to meet with the Principal Human Resources Supervisor, Brigitte Charles, at (714) 536-5917. You should also feel free to contact her whenever you have any questions regarding your city benefits.

## **City Council Benefits Summary:**

### **Compensation**

\$175.00, plus current expense amount for Mayor or City Council Member as indicated:

FY 2008-09– City Council Member – \$625 per bi-weekly pay period

FY 2008-09 – Mayor - \$876.69 per bi-weekly pay period

When adopting the budget for 2010, the City Council reduced their expense allowance by 10%. The current compensation received by the City Council is \$175.00, plus the current expense amount for Mayor or City Council Member as indicated:

FY 2009-10 – City Council Member – \$563.62 per bi-weekly pay period

FY 2009-10 – Mayor - \$789.02 per bi-weekly pay period

### **Choice of Three Medical Plans (Blue Shield HMO/PPO or Kaiser HMO))**

Effective 1st of the month following one month of employment

- City Council Member & dependents are eligible with cost sharing as described

### **Choice of two dental plans (Delta Dental PPO or DeltaCare PMI)**

Effective the 1st of the month following the date of hire.

- City Council Member & dependents are eligible with cost sharing as described

### **Vision coverage**

Effective the 1st of the month following the date of hire.

- City Council Member & dependents are eligible with cost sharing as described

### **Life insurance**

\$50,000 benefit effective the 1st of the month following the date of hire. (City paid)

### **AD&D insurance**

\$50,000 benefit effective the 1st of the month following the date of hire. (City paid)

### **LTD insurance**

Effective the 1st of the month following the date of hire. (City paid)

### **Optional Life and AD&D insurance**

Available to Council Member and dependents (paid by Council Member)

### **Employee Assistance Program**

Available to Council Member and dependents (City paid)

### **PERS Retirement**

While the contribution is based only on salary, it is possible to enroll. Please contact the Human Resources Department for further detail.

### **Direct Deposit**

Required as of March 2002

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**Credit Union**

Membership in City Credit Union available

**Business Expenses**

Please see attached Business Expense Policy adopted by the City Council on Dec. 18, 2006.

## CITY ATTORNEY POWERS AND DUTIES

### Section 309. CITY ATTORNEY. POWERS AND DUTIES.

To become and remain eligible for City Attorney the person elected or appointed shall be an attorney at law, duly licensed as such under the laws of the State of California, and shall have been engaged in the practice of law in this State for at least three years prior to his election or appointment. The City Attorney shall have the power and may be required to:

- (a) Represent and advise the City Council and all City officers in all matters of law pertaining to their offices.
- (b) Prosecute on behalf of the people any or all criminal cases arising from violation of the provisions of this Charter or of City ordinances and such state misdemeanors as the City has the power to prosecute, unless otherwise provided by the City Council.
- (c) Represent and appear for the City in any or all actions or proceedings in which the City is concerned or is a party, and represent and appear for any City officer or employee, or former City officer or employee, in any or all civil actions or proceedings in which such officer or employee is concerned or is a party for any act arising out of his employment or by reason of his official capacity.
- (d) Attend all regular meetings of the City Council, unless excused, and give his advice or opinion orally or in writing whenever requested to do so by the City Council or by any of the boards or officers of the City.
- (e) Approve the form of all contracts made by and all bonds and insurance given to the City, endorsing his approval thereon in writing.
- (f) Prepare any and all proposed ordinances and City Council resolutions and amendments thereto.
- (g) Devote such time to the duties of his office and at such place as may be specified by the City Council.
- (h) Perform such legal functions and duties incident to the execution of the foregoing powers as may be necessary.
- (i) Surrender to his successor all books, papers, files, and documents pertaining to the City's affairs.

# **CITY OF HUNTINGTON BEACH CODE OF ETHICS**

**APPROVED** February 19, 2008

## **Background**

Every citizen of the City of Huntington Beach is entitled to have complete confidence in the integrity of local government. All elected officials, officers, employees, and members of advisory boards, commission, and committee of the City must help to earn that confidence by their individual and collective conduct.

## **Purpose**

The purpose of this Code of Ethics is to set a standard of conduct for all elected officials, officers, employees, and members of advisory boards, commission and committees of the City of Huntington Beach. This policy is not intended to supersede or invalidate any statute, ordinance, or civil service rule or regulation.

## **Applicability**

This Code of Ethics shall apply to all elected officials, officers, employees, and members of advisory boards, commissions, and committees of the City of Huntington Beach, herein called "officials".

## **Code Review**

The City Council, City departments, and all boards, commissions, and committees are to formally review this Code of Ethics with their members annually during the month of January. The Mayor, City Administrator, and Chairpersons shall be responsible for accomplishing this review. New members of the City Council, boards, commissions, and committees and new employees are to be provided a copy of the Code of Ethics for their review when they are elected or appointed.

All elected officials, officers, employees, and members of advisory boards, commissions, and committees of the City of Huntington Beach shall sign an acknowledgment of receipt of a copy of the Code of Ethics. Said acknowledgments of the elected officials and members of boards, committees and commissions shall be maintained on file with the City Clerk. Said acknowledgments of officers and employees shall be maintained on file with the Department of Administrative Services, Human Resources Division.

## **Policy**

The following policies, adopted by the City Council of the City of Huntington Beach constitute the official Code of Ethics for all officials of the City.

**First:** All officials shall uphold the Constitution of the United States, the Constitution of the State of California, and the Huntington Beach City Charter, and carry out impartially the laws of the nation, state and municipality.

**Second:** All officials shall comply with all applicable provisions of local and state law, particularly the California Political Reform Act including but not limited to its provisions on gifts and conflicts of interest.

**Third:** Officials shall not engage in any activity which results in any of the following:

- (a) Use of time, facilities, equipment, supplies, or other resources of the City for the private advantage or gain for oneself or another;
- (b) Use of official information that is not available to the general public for private advantage or gain for oneself or another;
- (c) Use of the authority of their position with the City to discourage, restrain or interfere with any person who chooses to report potential violations of any law or regulation.

**Fourth:** Officials shall not accept, directly or indirectly:

- (a) Private advantage, gain, remuneration, or reward for oneself or another as a result of the prestige or influence of the City office, employment, or appointment;
- (b) Financial consideration from any source other than the City of Huntington Beach for performance of their official duties, except for stipends received as representatives on board, commissions or committees at a local, regional, or state level;
- (c) Employment from private interests, when such employment is inconsistent with the proper discharge of their official duties or may result in a conflict of interest.

**Fifth:** Officials shall not give special treatment or consideration to any individual or group beyond that available to any other individual.

**Sixth:** Officials shall not discriminate against or harass a citizen or co-worker on the basis of race, color, gender, religion, national origin, ancestry, sexual orientation, physical or mental handicap, marital status or age; harassment shall include verbal, physical, and sexual harassment.

**Seventh:** Except for persons appointed to boards, commissions, and committees, officials shall not lobby for remuneration on behalf of any other individual or entity other than themselves to City staff or before the City Council or any City board, commission, or committee for a period of one year after their date of severance from the City.

Eighth: All officials shall conduct themselves in a courteous and respectful manner at all times during the performance of their official City duties.

#### **Enforcement**

Any official found to be in violation of this Code of Ethics may be subject to censure by the City Council. Any member of an advisory board, commission, or committee found to be in violation may be subject to dismissal. In the case of an employee, appropriate action shall be taken by the City Administrator or by an authorized designee.



## **CITY OF HUNTINGTON BEACH CODE OF ETHICS**

### **ACKNOWLEDGEMENT OF RECEIPT**

By signing this statement, I confirm that I have received a copy of the  
Huntington Beach Code of Ethics  
as adopted by of the City Council on October 4, 1993 and amended on August 4, 2003,  
January 20, 2004, on February 7, 2005 by Resolution 2005-08, and on Feb. 19 2008 by  
Council Minute Action

Name \_\_\_\_\_  
(Please type or print first & last name)

Title \_\_\_\_\_

Board/Department \_\_\_\_\_

Date \_\_\_\_\_

Signature \_\_\_\_\_